

First, Gunson does not have a cutting edge with sharp surfaces and blunt surfaces. Each elongated member of Gunson has a steel cutting element 14 having a marginal edge portion 16. There is nothing in Gunson to suggest that the cutting element 14 has sharp and blunt surfaces. The character of the edge portion 16 is uniform throughout, i.e., it is sharp everywhere. The Office Action posits that Gunson has blunt surfaces, namely, "the flat portion of each handle which is located on the cutting edge side of each pivot hole; i.e., following the surface of the handle on the blade edge side and moving toward the blade edge, the portion at a position just before the handle edge ends and the blade edge begins". We presume the Examiner refers to the portions shown circled in red in the attached copy of Gunson's Fig. 1. These portions are not part of the "cutting edge" as that term is used in claim 1. It is pointed out that these portions of Gunson's scissors are made of plastic. See Col. 2, lines 37-39. As such they are clearly not intended to cut anything. Nothing in Gunson suggests these are cutting surfaces. Instead, they are extensions of the handles which act merely as support elements for the steel cutting elements 15.

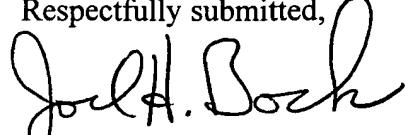
Second, assuming arguendo that the portions circled in red are cutting edges, they will not perform a cutting action for two reasons: 1) they are too close to the pivot axis, and 2) they are separated from one another by the projection 35 in spring steel element 30. Consider the first of these points. The attached sketch A shows a pair of scissors having first and second elongated members B and C pivotally connected by pivot pin D. The elongated members have facing cutting edges E and F that are shown fully "open", i.e., they are at 90° to one another. It will be noted that portions of each cutting edge, shown at segment G, are beyond the center of the pivot pin D but are unavailable to cut anything because they are covered by the width of the other

elongated member. Even a portion of the cutting edges beyond segments G will not effectively cut anything because the angle between the cutting edge is too great. It is only when the cutting edges have a smaller angle between them that they will begin to pinch and cut a cable placed between them. From all appearances of Gunson, the posited blunt surface cutting edges are too close to the pivot pin to perform any cutting function at all. They are located as are segments G in sketch A. They are covered by the width of the opposite member.

Next, even if the posited blunt surface cutting edges in Gunson were far enough from the pivot point to cut (which we submit they are not), these edges are laterally separated from one another by the projection 35 on element 30. Since they are separated they will not perform a cutting action. Consider the normal scissors. They have the handles centered in the same plane but the blades have to be offset to lie in adjacent planes. This is so the handles will meet and act a stop to closing action while the blades have to be able to slide past one another to create the shearing action. This arrangement is often accomplished by offsetting each handle portion from its blade portion by half the thickness of the part. With each blade offset in opposite directions by half a thickness, the two blades together are offset from each other by a whole thickness, which allows them to slice by one another. Gunson appears to have taken a different tack. He separates the elongated members by means of the projection and then bends the cutting edges over at 16 to bring the opposite edges close enough to one another that they will shear items placed between them. The result of this construction is a separation of the elongated members at the pivot point. This separation means the posited blunt cutting surfaces cannot cut at all because they are not folded over toward one another the way the steel blade is at 16 and thus they are too far apart to cut the way edges 16 do.

It is respectfully submitted that claims 8, 2 and 3 as amended clearly distinguish over the cited reference. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



Joel H. Bock,
Registration No. 29,045

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - Suite 2850
Chicago, IL 60606
312/236-8500
FAX 312/236-8176

Attorney Docket: Ideal 425

MARKED UP COPY SHOWING CHANGES

In the Claims:

2. (Amended) The hand-held cutting tool as claimed in Claim 8 [1] wherein said blunt surfaces are radially inwardly of said sharp surfaces.

3. (Amended) The hand-held cutting tool as claimed in Claim 8 [1] wherein said sharp surfaces are serrated.